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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/796,969

03/11/2004

Antony L. Baughn

21200.0101PTUS

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7590

09/04/2008

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EXAMINER

SPAHN, GAY

ART UNIT

PAPER NUMBER

3635

MAIL DATE

DELIVERY MODE

09/04/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Notice of Non-Compliant
Amendment (37 CFR 1.121)**

Application No.

10/796,969

Examiner

Gay Ann Spahn

Applicant(s)

BAUGHN ET AL.

Art Unit

3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 5/16/08 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☒ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☒ C. Other See Continuation Sheet.
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____.
- ☒ 3. Amendments to the drawings:
- ☒ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
 - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
 - ☒ C. Other See Continuation Sheet.
- ☒ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
 - ☒ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☒ E. Other: See Continuation Sheet.
- ☐ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4):

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action. If any of above boxes 1. to 4. are checked, the correction required is only the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121.

Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

Failure to timely respond to this notice will result in:

Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or

Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Continuation of 1(c) Other: The examiner notes that Applicant has placed double hyphens (i.e., "--") around each of the paragraphs amended. Double hyphens were used in old amendment format prior to July of 2003 to insert text. Double hyphens are no longer used in new amendment format found at 37 CFR 1.121 and therefore, Applicants' "Amendment to the Specification" section is non-compliant and the double hyphens must be removed.

Continuation of 3(c) Other: With respect to Box 3A, the examiner notes that 37 CFR 1.121(d) defines "Replacement Sheet" as including "all figures appearing on the immediate prior version of the sheet." Therefore, with respect to the drawings submitted on 5/16/2008, the sheet having Fig. 3 thereon is not a replacement sheet because the immediate prior version of the sheet had Figs. 3, 13, and 14 thereon. Further, the sheet submitted on 5/16/2008 that has Figs. 4-7 thereon is also not a replacement sheet because the immediate prior version of the sheet had Figs. 4-7 and 9 thereon. The sheet submitted on 5/16/2008 that has Figs. 8 and 9 thereon is also not a replacement sheet because the immediate prior version of the drawings has no sheet having Figs. 8 and 9 alone thereon. The sheet submitted on 5/16/2008 that has Figs. 13 and 14 thereon is also not a replacement sheet because the immediate prior version of the drawings did not have a sheet which had Figs. 13 and 14 alone thereon. The sheet submitted on 5/16/2008 that has Figs. 17 and 18 thereon is also not a replacement sheet because the immediate prior version of the drawings did not have a sheet having Figs. 17 and 18 alone thereon.

The examiner notes that 37 CFR 1.121(d) requires compliance with 37 CFR 1.84 and the examiner notes that 37 CFR 1.84(t) that the sheets of drawings should be numbered with Arabic numerals and the examiner is requiring the Applicants number there drawing sheets so that it will be easier to refer to specific drawing sheets in the future.

Finally, Applicants have failed to comply with the last sentence of 37 CFR 1.121(d) in that there is no detailed explained all changes to the drawings in either the drawing amendment or remarks section of the amendment paper".

Continuation of 4(e) Other: With respect to Box 4C above, the examiner notes while the U.S. Patent and Trademark Office has started accepting "Canceled without prejudice" as a proper status identifier (see the Manual of Patent Examining Procedure or MPEP section 714), the entire phrase must be within the parentheses to be recognized as a status identifier. Applicants' version is confusing because it looks like only "Canceled" is the status identifier and "Without prejudice" is claim language.

/Gay Ann Spahn/
Gay Ann Spahn, Primary Examiner
August 31, 2008